

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 4:21-cr-0009-GCH
)	
v.)	
)	
ROBERT T. BROCKMAN,)	
)	
Defendant.)	
)	

**NON-PARTY STUART YUDOFSKY, M.D.’S MOTION TO
UNSEAL HIS MOTION TO QUASH**

Non-Party Stuart Yudofsky, M.D. (“Dr. Yudofsky”), respectfully moves the Court to unseal his Motion to Quash and Modify Government Subpoena Pursuant to Fed. R. Crim. P. 17(c) [Dkt. No. 108] (the “Motion to Quash”). On August 18, 2021, Dr. Yudofsky filed his Motion to Quash. After Dr. Yudofsky’s Motion to Quash had been filed, the Government filed a Motion to Show Cause why Dr. Yudofsky should not be held in contempt pursuant to Fed. R. Crim. P. 17(g) [Dkt. No. 109] (the “Motion to Show Cause”). As set forth below, the original purposes for sealing the Motion to Quash are no longer applicable.

Due to Dr. Yudofsky’s invocation of his right under the Fifth Amendment (on advice of counsel), and as a professional courtesy to the Government given the communications and representations contained therein, Dr. Yudofsky filed his Motion to Quash under seal. Shortly thereafter, the Government responded to Dr. Yudofsky’s sealed Motion to Quash

with its Motion to Show Cause – filed on the public docket – which references many of the arguments made in Dr. Yudofsky’s Motion to Quash. *See* Dkt. No. 109.

On August 19, 2021, Dr. Yudofsky asked the Government to extend the same courtesy and move to place its Motion to Show Cause under seal. The Government declined, responding that it has “no plans to file a motion to seal.”¹ This one-sided sealing is fundamentally unfair and the public has a right to know all the facts – not just the information the Government selectively chooses to fit its narrative.

In light of the foregoing, there is no longer a compelling reason to keep Dr. Yudofsky’s Motion to Quash under seal.

CONCLUSION

For the foregoing reasons, Dr. Yudofsky respectfully moves the Court to order the Motion to Quash be unsealed.

Dated: August 25, 2021

¹ E-Mail from Corey Smith, Counsel for the Government, to Nicholas Petree, Counsel for Dr. Yudofsky (Aug. 19, 2021).

Respectfully submitted,

/s/ Nicholas E. Petree

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Counsel for non-party Stuart Yudofsky, M.D.

** Pro Hac Vice Applications to be filed*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all counsel of record via electronic filing in compliance with the Federal Rules of Civil Procedure on this 25th day of August 2021.

/s/ Nicholas E. Petree

Nicholas E. Petree